

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

ROMAN T. TATARINOV,

No. 09-CV-1377-HU

Petitioner,

ORDER

v.

BRIAN BELLEQUE,

Respondant.

Thomas J. Hester
OFFICE OF THE FEDERAL PUBLIC DEFENDER
101 SW Main Street, Ste. 1700
Portland, OR 97204

Attorney for Petitioner

Jacqueline Sadker Kamins
Jonathan W. Diehl
STATE OF OREGON DEPARTMENT OF JUSTICE
1162 Court Street, NE
Salem, OR 97301

Attorneys for Defendant

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1 - ORDER

HERNANDEZ, District Judge:

Magistrate Judge Dennis J. Hubel issued a Findings and Recommendation (doc. #37) on January 17, 2012, in which he recommends that I deny the amended petition for writ of habeas corpus (doc. #9) filed by Roman T. Tatarinov (“Petitioner”) and dismiss the proceeding with prejudice. He also recommends that a certificate of appealability be denied because Petitioner failed to make a substantial showing of the denial of a constitutional right pursuant to 28 U.S.C. § 2253(c)(2).

Because no objections to the Magistrate Judge's Findings and Recommendation were timely filed, I am relieved of my obligation to review the record de novo. United States v. Reyna-Tapia, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc); see also United States v. Bernhardt, 840 F.2d 1441, 1444 (9th Cir. 1988) (de novo review required only for portions of Magistrate Judge's report to which objections have been made). Having reviewed the legal principles de novo, I find no error.

CONCLUSION

The court ADOPTS the Magistrate Judge's Findings and Recommendation (doc. #37). Accordingly, Petitioner's amended petition for writ of habeas corpus (doc. #9) is denied and this action is DISMISSED with prejudice. I also decline to issue a certificate of appealability.

IT IS SO ORDERED.

DATED this 14th day of February, 2012.

/s/ Marco A. Hernandez
MARCO A. HERNANDEZ
United States District Judge